ITEM 1008-D

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96TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 96-1517

ORIGINAL

OPPOSING THE GRANTING OF PERMANENT RESIDENCE IN THE UNITED STATES TO CERTAIN ALIENS

COMPLETED

DECEMBER 2, 1980.—Committed to the Committee of the Whole House and ordered to be printed

Ms. HOLTZMAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. Res. 816]

The Committee on the Judiciary, to whom was referred the resolution (H. Res. 816), opposing the granting of permanent residence in the United States to certain aliens, having considered the same, report favorably thereon without amendment and recommend that the resolution do pass.

PURPOSE OF THE RESOLUTION

The purpose of the resolution is to express congressional disapproval of the granting of status of permanent residence in the United States to 50 aliens in whose cases the Attorney General has submitted reports to the Congress pursuant to section 13 of the act of September 11, 1957 (71 Stat. 642–643).

GENERAL INFORMATION

Section 13 of the act of September 11, 1957 authorizes the Attorney General to recommend a grant of permanent residence to certain foreign officials, not to exceed 50 in any fiscal year. Eligible for such relief are those who have failed to maintain their nonimmigrant status as an ambassador, public minister, or career diplomat or consular officer who has been accredited by a foreign government recognized de jure by the United States and who is accepted by the President or Secretary of State, the members of the alien's immediate family, and upon a basis of reciprocity, other officials and employees who have been accredited by a foreign government as well as members of their immediate families. Similar authorization rests with the Attorney General for nonimmigrants designated as a principal resident representative of a foreign government which is a member of an international organization entitled to enjoy privileges, exemptions and immunities as an

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international organization under the International Organizations Immunities Act (59 Stat. 669), the accredited resident members of the staff and members of the immediate family.

To be eligible for adjustment of status within this category, the Attorney General, after consultation with the Secretary of State, must be satisfied that the alien is a person of good moral character, admissible for permanent residence under the Immigration and Nationality Act and that such action would not be contrary to the national welfare, safety, or security.

The following provisions of the law (section 13(c) of the act of September 11, 1957) explain the procedures to be followed in submitting and reviewing these cases:

> (c) A complete and detailed statement of the facts and pertinent provisions of law in the case shall be reported to the Congress with the reasons for such readjustment of status. Such reports shall be submitted on the first day of each calendar month in which Congress is in session. If, during the session of the Congress at which a case is reported, or prior to the close of the session of Congress next following the session at which a case is reported, either the Senate or the House of Representatives passes a resolution stating in substance that it does not favor the adjustment of status of such alien, the Attorney General shall thereupon require the departure of such alien in the manner provided by law. If neither the Senate nor the House of Representatives passes such a resolution within the time above specified the Secretary of State shall, if the alien was classifiable as a quota immigrant at the time of his entry, reduce by one the quota of the quota area to which the alien is chargeable under section 202 of the Immigration and Nationality Act for the fiscal year then current or the next following year in which a quota is available. No quota shall be so reduced by more than 50 per centum in any fiscal year.

Between July 27, 1979 and October 5, 1979, 50 applications of nonimmigrants in this category were submitted to Congress. All of those cases are rejected and included in this resolution.

The committee recalls that the purpose of this section, as reflected in the legislative history, is to permit the adjustment of immigration status to a limited number (50) of foreign diplomats who for compelling reasons may find it impossible to return to the countries which accredited them to the United States. (Report No. 1199, first session, 85th Congress.)

Considering the information submitted to the committee, it has been difficult to determine whether any of the cases under review satisfy the requirement that compelling reasons must exist which make it impossible for the applicant to return to the countries which accredited him to the United States. In other cases, the aliens could not be considered to come within the foreign diplomat category.

The committee has noted none of the cases submitted to the Congress were accompanied by a complete and detailed statement of facts as required under this section.

The committee therefore rejects the cases as presently reported and expects the Attorney General to reexamine them under the relevant

statutory criteria, the accompanying legislative history, and the administrative regulations promulgated under section 13(c) of the act of September 11, 1957, and to resubmit those cases considered to be valid in the next Congress.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The committee exercises general oversight jurisdiction with respect to all immigration and nationality matters and specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the committee is of the opinion that House Resolution 816 should be enacted and accordingly recommends that the bill do pass.

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